

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOSEPH S. BARONE,

*Plaintiff,*

**DECLARATION**

*-against-*

1:21-cv-131

THE LAWYERS' FUND, and

(GTS/TWD)

SUPREME COURT OF NEW YORK, APPELLATE  
DIVISION THIRD DEPARTMENT,

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*Defendants.*

Keith J. Starlin, on the date noted below and pursuant to § 1746 of title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am an Assistant Attorney General of counsel in this matter to Leticia James, Attorney General of the State of New York, attorney for the defendant.
2. I make this declaration in support of the motion to dismiss by Defendants The Lawyers' Fund for Client Protection of the State of New York (sued herein as "The Lawyers' Fund") and State of New York, Supreme Court, Appellate Division, Third Judicial Department ("Third Department").
3. Attached hereto are the following Exhibits, consisting of documentation regarding the prior state court case and decisions repeatedly referenced in the Complaint:

**Exhibit "A"** – True and accurate copy of February 11, 2019 Decision and Order  
by New York State Supreme Court, Albany County dismissing

plaintiff's Petition in New York State Article 78 proceeding entitled Barone v. The Lawyers' Fund for Client Protection of the State of New York, et al., Albany County Index # 04983-18

**Exhibit "B"** – True and accurate copy of plaintiff's March 4, 2019 Notice of Appeal seeking to appeal to the State of New York Supreme Court, Appellate Division, Third Judicial Department from the February 11, 2019 Decision and Order by New York State Supreme Court, Albany County dismissing plaintiff's Petition in Article 78 entitled Barone v. The Lawyers' Fund for Client Protection of the State of New York, et al., Albany County Index # 04983-18

**Exhibit "C"** – True and accurate copy of plaintiff's April 2, 2020 Motion to Reinstate his appeal and/or vacate the dismissal of his appeal to the State of New York Supreme Court, Appellate Division, Third Judicial Department from the February 11, 2019 Decision and Order by New York State Supreme Court, Albany County dismissing plaintiff's Petition in Article 78 entitled Barone v. The Lawyers' Fund for Client Protection of the State of New York, et al., Albany County Index # 04983-18

**Exhibit "D"** - True and accurate copy of June 18, 2020 Affirmation In Opposition to Motion to Vacate Dismissal by counsel for the Respondent-Appellee in New York State Article 78 proceeding

entitled Barone v. The Lawyers' Fund for Client Protection of the State of New York, et al., Albany County Index # 04983-18

**Exhibit "E"** - True and accurate copy of July 2, 2020 Decision and Order from State of New York Supreme Court, Appellate Division, Third Judicial Department denying plaintiff's April 2, 2020 Motion to Reinstate his appeal and/or vacate the dismissal of his appeal from the February 11, 2019 Decision and Order by New York State Supreme Court, Albany County dismissing plaintiff's Petition in Article 78 entitled Barone v. The Lawyers' Fund for Client Protection of the State of New York, et al., Albany County Index # 04983-18

Dated: April 30, 2021  
Albany, New York

/s/ Keith J. Starlin  
Keith J. Starlin